On November 13, 1936, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Max E. Bacon, trading as the Ferretone Co., Wichita, Kans., charging shipment by said defendant in violation of the Food and Drugs Act as amended, from the State of Kansas into the State of Utah on or about March 23, 1936, of a quantity of Ferretone Eye Lotion which was misbranded; and on or about December 12, 1935, of a quantity of Bacon's Ferretone Tonic which was misbranded.

Analysis of the Ferretone Eye Lotion showed that it contained boric acid, menthol, and a yellow color. Analysis of Bacon's Ferretone Tonic showed that it consisted chiefly of powdered iron, calcium carbonate, phosphates, plant extractives, strychnine, and a phenolic compound.

The Ferretone Eye Lotion was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the packages and contained in a booklet enclosed therein, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for all ordinary affections of the eyes, inflamed eyes, gummy secretion from the eyes, irritation, excessive secretion of tears, reddened eyes, weakness of the eyes, fatigued vision, eyes with pus, ulcerated eyelids, and eye trouble; and effective as a preventive of serious and lamentable diseases and loss of sight.

Bacon's Ferretone Tonic was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the package labels and contained in circulars and in a booklet enclosed in the package, falsely and fraudulently represented that it would be effective to strengthen, invigorate, and beautify, to give health and vigor to, to increase the vitality of and to stimulate the different organs of the body; effective as a powerful reconstituent, a purifier of the blood, a rebuilder of the system, a valuable life-giving tonic, a strengthener of the system, and a producer of good blood, and to give new energy and strength; effective as a treatment, remedy, and cure for diseases of the stomach, indigestion, lack of appetite, inflammations, pains in the head, diseases of the heart, palpitations, irregular pulse, poor respiration, nervous disorders, rheumatism, aching muscles, torpid, aching or inflamed joints, sluggish liver, biliousness, bad breath, discoloration of the skin, nervous irritation, depression, exhaustion, impure blood, pimples, ulcers, blackheads, eruptions of the skin, disorders of the intestines, headache, lack of energy, bodily discomfort, anemia, poor nutrition, lack of strength, female disorders (debility), menstrual disorders, uterine diseases, nervousness, sleeplessness, general debility, and nervous prostration; effective to give life, to fortify the blood, to cause recuperation from hard work and preoccupations connected with business affairs or excesses of life; effective to produce rich blood, to make one feel well and perfectly happy, and to help one attain unending happiness; effective to cure the very sick; and effective when used in connection with Ferretone Indian Pastilles of Bacon and Laxative and Anti-Pain Pastilles, as a treatment for complications of the kidneys.

On March 10, 1937, the defendant entered a plea of guilty and the court imposed a fine of $1 and costs.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27136. Adulteration and misbranding of Tablets Tinct. Aconite. U. S. v. Samuel Evans Massengill (The S. E. Massengill Co.). Plea of nolo contendere. Fine, $250. (F. & D. no. 38044. Sample no. 56057–B.)

This article contained a smaller quantity of tincture of aconite, U. S. P., than that represented on the label.

On November 16, 1936, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Evans Massengill, trading as the S. E. Massengill Co., Bristol, Tenn., charging shipment by said defendant in violation of the Food and Drugs Act on or about December 12, 1935, from the State of Tennessee into the State of Ohio, of a quantity of an article, labeled "Tablets Tinct. Aconite", that was adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each of the tablets was represented to have the medicinal properties of 5 minims of tincture of aconite, U. S. P.; whereas in fact each of the tablets had less than 5 minims, to wit, not more than ¾ of 1 minim, of the medicinal properties of tincture of aconite, U. S. P.

It was alleged to be misbranded in that the statement, "Each tablet represents the medicinal properties of 5 mins. Tinct. Aconite, U. S. P.", borne on the bottle labels, was false and misleading in that each of the tablets was represented to have the medicinal properties of 5 minims of tincture of aconite, U. S. P.; whereas in fact each of the tablets had less than 5 minims of the medicinal properties of tincture of aconite, U. S. P.

On March 1, 1937, the defendant entered a plea of nolo contendere and the court imposed a fine of $250.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27137. Adulteration and misbranding of No. 8 Dispensary Tablets Extract Belladonna Leaves, Powdered Extract Belladonna Leaves U. S. P. X, and No. 39 Ophthalmic Ointment Atropine Sulphate. U. S. v. Sharp & Dohme, Inc. Plea of nolo contendere. Sentence suspended. (F. & D. no. 38047. Sample nos. 45419–B, 67509–B, 67569–B.)

The No. 8 Dispensary Tablets Extract Belladonna Leaves contained less than the quantity of extract of belladonna leaves represented on the label. The Powdered Extract Belladonna Leaves U. S. P. X differed from the standard prescribed for such article in the United States Pharmacopoeia and yielded less than the proportion of the total alkaloids of belladonna leaves represented on the label. The No. 39 Ophthalmic Ointment Atropine Sulphate contained less than the proportion of atropine sulphate represented on the label.

On December 28, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sharp & Dohme, Inc., charging shipment by said corporation in violation of the Food and Drugs Act, on or about October 18, 1935, from the State of Pennsylvania into the State of Georgia of a quantity of No. 8 Dispensary Tablets Extract Belladonna Leaves; on or about February 20, 1936, from the State of Pennsylvania into the State of New Jersey of a quantity of Powdered Extract Belladonna Leaves U. S. P. X; and on or about January 11, 1936, from the State of Pennsylvania into the State of New Jersey of a quantity of No. 39 Ophthalmic Ointment Atropine Sulphate all of which products were adulterated and misbranded.

The article No. 8 Dispensary Tablets Extract Belladonna Leaves was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the tablets was represented to contain 1 grain of extract of belladonna leaves; whereas in fact each of the tablets contained not more than 0.78 grain of extract of belladonna leaves. Said article was alleged to be misbranded in that the statement, "Tablets Extract Belladonna Leaves 1-Grain", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained 1 grain of extract of belladonna leaves; whereas in fact each of the tablets contained less than 1 grain of extract of belladonna leaves.

The article Powdered Extract Belladonna Leaves U. S. P. X was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia in that 1 gram of the article yielded less than 1.18 percent of the total alkaloids of belladonna leaves, to wit, not more than 1 percent of the total alkaloids of belladonna leaves; whereas said pharmacopoeia provided that powdered extract of belladonna leaves should yield not less than 1.18 percent of the total alkaloids of belladonna leaves, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be powdered extract of belladonna leaves that conformed to the standard laid down in the United States Pharmacopoeia, 10th Revision, and that 1 gram of the article yielded 1.18 to 1.32 percent of the total alkaloids of belladonna leaves; whereas in fact the article was not powdered extract of belladonna leaves which conformed to the standard laid down in said pharmacopoeia, and 1 gram of the article yielded less than 1.18 percent of the total alkaloids of belladonna leaves. Said article was alleged to be misbranded in that the statements, "Powdered Extract Belladonna Leaves U. S. P. X", and "One gram of this powdered extract * * * yields 1.18% to 1.32% total alkaloids", borne on the bottle labels, were false and misleading in that they represented that it was powdered extract of belladonna leaves that conformed to the standard laid down in the United States Pharmacopoeia, 10th Revision,